

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENERITO FELIPE GABALDON,

Petitioner,

v.

J. PICKETT, Warden,

Respondent.


No. 2:20-cv-2489-EFB P

ORDER

Mr. Gabaldon is a state prisoner without counsel. He has requested that the court appoint counsel. There currently exists no absolute right to appointment of counsel in habeas proceedings. *See Nevius v. Sumner*, 105 F.3d 453, 460 (9th Cir. 1996). The court may appoint counsel at any stage of the proceedings “if the interests of justice so require.” *See* 18 U.S.C. § 3006A; *see also*, Rule 8(c), Rules Governing § 2254 Cases. The court does not find that the interests of justice would be served by the appointment of counsel at this stage of the proceedings. As noted in the court’s December 21, 2020 order (ECF No. 4), Mr. Gabaldon has yet to properly commence this action.

Accordingly, it hereby is ORDERED that Mr. Gabaldon’s request for appointment of counsel (ECF No. 5) is DENIED without prejudice.

Dated: January 19, 2021.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE